

of papers and other proceedings the board of canvassers, as organized and existing at the time of making the original canvass, shall be deemed a continuing board. There shall be the same right of appeal as in other mandamus cases, but such appeal shall be taken within five days from the date of the decision complained of, and shall be heard and decided by the court of appeals as soon after the transmission of the record as possible, and the testimony taken in such cases shall be sent up to the court of appeals as part of the record.

A contest over an election to office of clerk of a circuit court must be made before the house of delegates in accordance with art. 4, sec 12, of the Constitution; this, however, does not affect power of court to require canvassers to correct errors as provided in this section. A suggestion that judges and clerks be summoned to make a correction "in accordance with the finding, decision and determination of board of canvassers," denied. *Canvassers of Election v. Noll*, 127 Md. 306.

This section held not to justify issue of a mandamus compelling supervisors of elections to reject certain ballots and count others. The powers of the canvassers (who are the same as the supervisors) are wholly different from those of supervisors under sec. 217. *White v. Laird*, 127 Md. 132.

See notes to art. 5, sec. 48.

An. Code, sec. 87. 1904, sec. 85. 1896, ch. 202, sec. 80. 1914, ch. 474, sec. 85.

**95.** The Secretary of State, Comptroller, Treasurer, Clerk of the Court of Appeals and Attorney General shall constitute the Board of State Canvassers, three of whom shall be a quorum. The Secretary of State shall appoint the meeting of the said Board, to be held at his office within thirty days after any State election, or any election at which a candidate for United States Senator be elected; if a majority do not attend, those present shall adjourn until the next day, at which time they shall proceed, without further delay, to canvass the votes. The Board, when thus formed, shall from the certified copies of the statements made by the boards of city and county canvassers, proceed to make a statement of the whole number of votes given at such election for the several candidates for the offices named in said statements and thereupon proceed to determine and declare what persons have been, by the greatest number of votes, elected to such offices, and each of them; they shall make and subscribe on a proper statement a certificate of such determination, and shall deliver the same to the Secretary of State. If any one of the canvassers shall dissent from the decision of the board, he shall state at large in writing, the reasons for such dissent. If any of the acts or proceedings of the Board shall appear to any one of the canvassers to be illegal and irregular, such canvassers shall protest against the same, in writing, setting forth distinctly the grounds of his protest; the canvassers so dissenting or protesting shall deliver his dissent or protest, signed with his proper name, to the Secretary of State who shall file the same in his office, and he shall also keep on file in his office the copies of the statements made by the board of city and county canvassers. The board shall have power to adjourn, from day to day, during a period not exceeding five days.

An. Code, sec. 88. 1904, sec. 86. 1896, ch. 202, sec. 81. 1914, ch. 474, sec. 86.

**96.** The Secretary of State shall record in his office, in a book kept by him for that purpose, each certified statement and determination which